

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58321 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- Imadpur District- Bhojpur

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1. Sri Bhagwan Singh, S/o Gopal Singh,
 2. Kaushal Singh, S/o Late Abil Singh.
 3. Raghupat Singh, S/o Gauri Singh, All residents of Village-Bihta, P.S.- Imadpur, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 14-12-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Imadpur P.S. Case
No. 11 of 2018 dated 18.03.2018 instituted under Sections
147/149/283/353/504 of the Indian Penal Code.

3. The allegation against the petitioners and other two
named and 10 unknown is of causing obstruction in the discharge
of official duty by a public servant. It is alleged that the petitioners
along with others had put up barricade and had closed the public
road demanding release of a criminal, who was arrested by the
police.



4. Learned counsel for the petitioners submitted that nowhere it is alleged that either there was any violence or any loss of property caused even if the allegations are accepted to be true. Learned counsel further submitted that for obstructing the traffic and blocking the road, liability cannot be fastened only on the petitioners as it was the common anger at that time in the public which created the situation without there being any intention or overt act by the petitioners.

5. Learned A.P.P. for the State was not in a position to controvert the submissions made by learned counsel for the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Bhojpur, Ara in Imadpur P.S. Case No. 11 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. The petitioners



shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

P. Kumar

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